

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – APAT – OA No.7915/2002 filed by V. Balamma, PH Masteries in Bhongir Municipality and 11 others and O.A.No.7915/2002 filed by Sri R. Mond, Time Scale Worker, Sirpur Kagaznagar Municipality, Adilabad District and 26 others regarding release of periodical increments from the date of payment of minimum time scale – Permission Accorded – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (G2) DEPARTMENT

G.O.Rt.No. 1546

Dated: 28-11-2011.
Read the following:-

1. From the Andhra Pradesh Administrative Tribunal, Hyderabad C.A.No.338/2010 in O.A.No.11338/2002 orders dated: 18.3.2008
2. From the APAT, CA No. 613 in OA No. 7915/02 order dated: 26.8.2002.
3. From the CDMA, Letter Roc.No.2316/2003/M3, Dated: 26.5.2010
4. From the Commissioner and Director of Municipal Administration Lr.Roc.No.2316/2003/M3, Dated: 21.9.2010
5. Govt. Memo No. 2057/G2/2003, dated 1.10.2010
6. From the Hon'ble APAT, order date:26.10.2010 in CA No. 338 in OA No. 11338/02
7. Govt. Memo No. 2057/G2/2003, dated 26.05.2011
8. From the Commissioner and Director of Municipal Administration Lr.Roc.No.2316/2003/M3, Dated: 10.6.2011

ORDER:

The Director of Municipal Administration, Hyderabad in the reference read above has informed that Sri R.Mond, Time Scale Worker and 26 others from Kagaznagar Municipality filed OA No. 11338 of 2002 before the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad for release of periodical increments.

2. In the reference 1st read above, the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad in its orders dated 18.3.2008 has disposed of the case with the following directions:

“Hence, the Tribunal doth hereby adjudicate upon the O.A., in the same lines as that, of the earlier orders dated 26.8.2002 of this Tribunal made in O.A. No. 7915 of 2002. A copy thereof, shall form part hereof. No costs.”

3. The Hon'ble APAT in its orders dated: 26.8.2002 in O.A. No. 7915/2002, directed to release the periodical increments to the applicants, wherever such increments were not released and also to pay arrears within a period of three months from the date of receipt of a copy of this order.

4. Keeping in view, the orders of the Tribunal, the Municipal Commissioner, Sirpur Kagaznagar was directed to file Writ Petition before the Hon'ble High Court of Andhra Pradesh. Accordingly the Municipal Commissioner filed W.P. No. 15031/2006 praying the High Court to quash the orders dated: 26.08.2002 in O.A. No. 7915/2002.

5. The Hon'ble High Court dismissed the above Writ Petition on 23.8.2006.

6. Both the orders of the Hon'ble High Court have been challenged separately before the Hon'ble Supreme Court by filing SLPs and the Hon'ble Supreme Court by clubbing all the other cases dealing with similar issues has issued a common judgment on 23.11.2009 in Special Leave petition No. 6422 of 2007 by dismissing the SLPs.

7. While explaining the above details of the case, the Commissioner and Director of Municipal Administration, in the reference 3rd read above has requested the Government to issue necessary permission to the Commissioner and Director of Municipal Administration to implement the orders of the Hon'ble Supreme Court, A.P. Hon'ble High Court and the Hon'ble Andhra Pradesh Administrative Tribunal, for granting the payment of time scale and increments and duly issuing speaking orders to the applicants, by clearly mentioning that the said orders issued are not considered as a matter of right, for the request of regularization in future.

PTO

8. Meanwhile, Sri R. Mondi and 26 others of Sirpur Kagaznagar Municipality, Adilabad District has filed CA No. 338/2010 and V. Balamma and 11 others of Bhongir have filed C.A. No.613/2010 in O.A. No. 7915/2002 in the Hon'ble Tribunal for implementation of the orders.

9. Govt. in reference 5th read above has permitted the Commissioner and Director Municipal Administration, Hyderabad, to implement the orders of the apex court for release of periodical increments /time scale to the petitioners in the instant case with a condition that the said orders are not considered as matter of right for the request of regularization of their services in future and also subject to filing review petition on the basis of Judgment delivered by the Hon'ble Supreme Court of India in SLP No. 9103 – 05 /2001 in case of Uma Devi Vs State of Karnataka Govt. dated 10.4.2006 to Sri R. Mondi, Time Scale Worker, Sirpur Kagaznagar Municipality, Adilabad District and 26 others and V. Balamma, PH Masteries in Bhongir Municipality and 11 others.

10. The Advocate on Record for Government of Andhra Pradesh, Supreme Court of India in his letter dated 22.11.2010 who was requested to file Review Petition against the common Judgment dated 23.11.2009 passed in S.L.P. (c) No. 6422 of 2007, on the basis of the Judgment in the case of Uma Devi Vs. State of Karnataka, has pointed out that according to Supreme Court Rules Review Petition has to be filed with in 30 days from the date of Judgment or Order of the Supreme Court. Then there is a delay of more than one year which the Hon'ble Supreme Court will not condone. Secondly the impugned Judgment dated: 23.11.2009 has been passed relying on the earlier orders dated: 13.5.2005 and 3.9.2008 passed in identical Special Leave Petitions. Finally, the Advocate on Record, Supreme Court of India has informed that there is no scope for filing any Review Petition as requested and returned the papers.

11. In view of the above, Government after careful consideration of the matter and in view of the Judgment of the Hon'ble Courts hereby permit the Director of Municipal Administration, Hyderabad to implement the orders of the Hon'ble Supreme Court, for release of periodical increments / time scale to the petitioners in OA No. 7915/2002, dated: 26.08.2002 to avoid further legal complications with a condition that the said orders are not considered as matter of right for the request of regularisation of their services in future.

12. The Commissioner and Director of Municipal Administration, Hyderabad is requested to take necessary action accordingly.

13. This Memo issues with concurrence of the Finance (PC.III) Department vide their U.O.No.17216/381/A1/PC.III/2011, Dated: 20.08.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of Municipal Administration, Hyderabad

Copy to :-

The Municipal Commissioner, Bhongir Municipality, Bhongir
The Municipal Commissioner, Kagaznagar Municipality, Sirpur
The Finance (PC.III) Department
The DTA, Adilabad District
The DTA, Nalgonda District
The Principal Secretary, MA& UD, Department
The GP for MA&UD, APAT, Hyderabad
SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER